

REMARKS

This is a full and timely response to the Office Action mailed January 09, 2008.

By this Amendment, claims 1, 2, 4-6 and 8 have been amended to more particularly define the present invention. Further, new claim 20 has been added to further protect a specific embodiment of the present invention. Thus, claims 1-20 are currently pending in this application. Support for the claim amendments and new claim can be readily found variously throughout the specification and the original claims, see, in particular, claims 5 and 6 and page 18, line 28, of the specification.

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Objection to the Claims

Claim 1 is objected to for the alleged informality outlined in item 1 of the Office Action. Applicant has amended claim 1 to address the Examiner's concerns. Thus, withdrawal of this objection is respectfully requested.

Rejection under 35 U.S.C. §112

Claim 2 and 4-7 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant believes that the amendments to claims 2 and 4 overcome this rejection by replacing the term "*passage*" with the phrase --*plurality of passages*--. Thus, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-8 and 10-12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by Fox, Jr. (U.S. Patent No. 3,722,750). Further, claims 9 and 13-19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fox, Jr. in view of either (1) Hatakeyama et al. (U.S. Patent No. 5,820,956), (2) Wiegner et al. (U.S. Patent No. 5,167,347), (3) Hatakeyama et al. and Wenke (U.S. Patent No. 5,034,014), and (4) Wiegner et al. in further view of Brown et al.

(U.S. Patent No. 4,579,258) or Coleman (U.S. Patent No. 3,752,365). Applicant respectfully traverses these rejections.

To establish a *prima facie* case of obviousness, the cited reference (or references when combined) must teach or suggest the invention as a whole, including all the limitations of the claims. Here, in this case, none of the cited references teach or suggest the claim limitations “*a partition member engaged on the constriction to isolate the lower chamber from the upper chamber*” and “*wherein the inner bag is substantially one bag divided into said upper and lower chambers by the partition member, and each chamber has at least a collapsible part*”.

Given Applicant’s review of the cited references and the Examiner’s remarks, Applicant believes that none of the cited references (in particular, Fox Jr.) teach or suggest a specific structure corresponding to the **partition member** of the claimed container. Applicant notes that the passages in Fox Jr. cited by the Examiner (see column 3, lines 40-65, of Fox Jr.) does not teach or suggest any specific structures to separate the two compartments 140 and 142 especially if the wall of the inner container 115 is made of flexible plastic. It appears from Applicant’s review of the Examiner’s comments that the Examiner has interpreted Fox Jr. as showing some type of structure which allows for the constructions of a plurality of separated sub-compartments even though such structure is not specifically described in the patent. However, Applicant strongly disagrees with the Examiner in this regard.

U.S. patent practice and procedures requires the Examiner to account for every claimed feature when presenting reasons for rejecting a claim. From Applicant’s review of the Office Action, the Examiner does not cite any specific element in Fox Jr. as corresponding to the partition member of the present invention. Applicant believes that Fox Jr. only show and disclose in Fig. 4 of the drawings and column 3, lines 44-62, of the specification, separate chambers constructed of a rigid material which does not require the presence of a partition member as in the present invention to “*engage the constriction to isolate the lower chamber from the upper chamber*”. Fox Jr. does not teach or show any structure to constrict the walls of the inner container 115 to isolate the lower compartments 142 from the upper compartment 140 if such walls are made of a flexible and thin plastic.

Thus, in view of the foregoing remarks and claim amendments, Applicant believes these rejections can no longer be sustained as applied to amended claim 1 and should be withdrawn.

Further, claims 2-19 depend from amended claim 1 and includes all of the features of amended claim 1. Thus, it is respectfully submitted that claims 2-19 are allowable at least for the reasons claim 1 is allowable as well as for the features they recite. Thus, withdrawal of these rejections is respectfully requested.


Further, Applicant asserts that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: April 9, 2008

Respectfully submitted,

By:  _____

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